

Title	Juvenile Delinquency Forms: <i>Promise to Appear—Juvenile</i> and <i>Deferred Entry of Judgment—Dismissal and Sealing</i> (revise form JV-635; approve form JV-755)
Summary	Effective January 1, 2001, the Judicial Council amended various rules and revised and approved forms to implement Proposition 21, which changed juvenile delinquency procedures in several major ways. To more accurately reflect the changes enacted by Proposition 21 and to further implement it, the Family and Juvenile Law Advisory Committee proposes revising form JV-635, <i>Promise to Appear—Juvenile</i> , and approving new form JV-755, <i>Deferred Entry of Judgment—Dismissal and Sealing</i> .
Source	Family and Juvenile Law Advisory Committee
Staff	Audrey Evje, Attorney, 415-865-7706, audrey.evje@jud.ca.gov
Discussion	<p>Proposition 21 was effective March 9, 2000, immediately following its passage on March 8, 2000. To implement the proposition, the Family and Juvenile Law Advisory Committee and the Criminal Law Advisory Committee developed rules and forms on an expedited cycle.</p> <p>Form JV-635, <i>Promise to Appear—Juvenile</i>, was approved for use as a means of implementing the promise to appear procedure, set forth in Welfare and Institutions Code section 629(b), which was created as part of Proposition 21. Because the form does not accurately state the law, the committee proposes changing item 4 from “the court <i>will</i> order that a warrant be issued” to “the court <i>may</i> order that a warrant be issued” (emphasis added). Section 629(b) does not state what will happen to the youth if he or she fails to appear as agreed. In <i>Ruben V. v. Superior Court of Los Angeles County</i> (1997) 56 Cal.App.4th 723, the court held that an arrest warrant for a youth was invalid because it did not comply with applicable notice requirements. The court noted that there is no statute that directly authorizes the issuance of an arrest warrant when a youth has failed to appear in court after being issued a citation and signing a promise to appear. The court also noted that an arrest warrant would have been justified had proper notice been prepared and served. Since form JV-636 is intended for use in a variety of circumstances—including cases in which a petition has not yet been prepared and statutory notice requirements have not otherwise been satisfied—the form must be modified to say that a warrant <i>may</i> be issued, i.e., where proper notice has been given.</p>

The committee also proposes technical changes, including the addition of the name of the parent, guardian, or relative.

Additionally, Proposition 21 created a deferred entry of judgment process. When the proposition was implemented, it did not appear necessary to develop a form to assist with dismissal and sealing upon successful completion of the deferred entry of judgment process. However, experience has shown that such a dismissal and sealing form would be useful, and therefore proposed optional form JV-755, *Deferred Entry of Judgment—Dismissal and Sealing*, was developed to provide an avenue for dismissal and sealing following successful completion of the deferred entry of judgment process.

Attachments

SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	FOR COURT USE ONLY <h1 style="text-align: center;">DRAFT 3</h1>
CASE NAME:	
PROMISE TO APPEAR—JUVENILE Juvenile 14 Years or Older (Welfare and Institutions Code, § 629)	
LAW ENFORCEMENT AGENCY: REPORT NUMBER:	

Name of youth:

Date of birth of youth:

Address of youth:

Phone number of youth:

Name of parent, guardian, or relative:

Address of parent, guardian, or relative *(if different from that of youth)*:Phone number of parent, guardian, or relative *(if different from that of youth)*:1. I have been arrested for one or more of the following felony offenses *(list code violations alleged)*:
 2. The ☐ police officer ☐ probation officer is releasing me to *(name)*:
 who is my ☐ mother ☐ father ☐ guardian ☐ relative *(state relationship)*:
3. **I PROMISE TO APPEAR**

on <i>(date)</i> :	at <i>(time)</i> :	in Dept.:	Room:
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located at ☐ courthouse address above ☐ other *(specify address)*:

4. I understand that if I do not come to court on the date and at the time indicated, the court may order that a warrant be issued for my arrest.

Date:



(SIGNATURE OF YOUTH)

(SIGNATURE OF ☐ PARENT ☐ GUARDIAN ☐ RELATIVE)

Witnessed by:


 (SIGNATURE OF ☐ PROBATION OFFICER
☐ POLICE OFFICER *(state agency)*)

- Date: _____
- _____
- JUDICIAL OFFICER